

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DERON L. BARNETT,

Plaintiff,

v.

REGIONS BANK,

Defendant.

**Case No.
2:06-CV-00725-MHT**

MOTION TO DISMISS

Comes now Regions Bank, the Defendant in the above-styled cause and respectfully moves the Court to dismiss the Plaintiff's Complaint as (1) the Court lacks jurisdiction over the subject matter of the Complaint and (2) the Complaint fails to state a claim upon which relief can be granted. As grounds for this motion, Regions Bank shows to the Court as follows:

I. NO JURISDICTION

The Court lacks jurisdiction over this matter as Deron L. Barnett is a resident of the State of Alabama, Regions Bank is incorporated under the laws of Alabama and maintains its principal place of business in Alabama and the Plaintiff's claims do not reach the jurisdictional amount required for diversity jurisdiction under 28 USC § 1332. Likewise, the Court lacks jurisdiction under 28 USC § 1331 as there are no federal questions presented with respect to the Plaintiff's claims.

II. NO CLAIMS AS A MATTER OF LAW

1. The Plaintiff has advanced the exact same frivolous claims through the entire court system of the State of Alabama and these claims have been rejected by every court. The

Plaintiff first filed a complaint known as Civil Action No. CV-04-2047-SH in the Circuit Court of Montgomery County, Alabama on July 20, 2004.

2. By Order dated March 30, 2005, the Circuit Court of Montgomery County, Alabama granted the Defendant's Motion to Compel Arbitration and directed that the Plaintiff's claims against Regions Bank be resolved through arbitration before the American Arbitration Association.

3. By Order dated November 10, 2005, the Circuit Court of Montgomery County, Alabama found that Plaintiff Deron L. Barnett "has not initiated arbitration and does not intend to do so" and the Plaintiff's claims were dismissed with prejudice. The claims dismissed with prejudice in Civil Action No. CV-04-2047-SH are exactly the same claims that Plaintiff Deron L. Barnett now attempts to bring in the United States District Court for the Middle District of Alabama.

4. Deron L. Barnett next appealed the November 10, 2005 Order of the Circuit Court of Montgomery County, Alabama to the State of Alabama Court of Civil Appeals. By transfer notice dated January 4, 2006, the State of Alabama Court of Civil Appeals transferred the appeal to the Supreme Court of Alabama. By Order dated January 5, 2006, the Supreme Court of Alabama deferred the Deron L. Barnett appeal back to the Alabama Court of Civil Appeals for handling. By Order dated March 26, 2006, the State of Alabama Court of Civil Appeals dismissed the appeal of Deron L. Barnett thus affirming the decision of the Circuit Court of Montgomery County, Alabama in Civil Action No. CV-04-2047-SH.

5. Deron L. Barnett next filed a Petition for Writ of Certiorari with the Supreme Court of Alabama on April 11, 2006. On May 12, 2006, the Supreme Court of Alabama issued a Certificate of Judgment denying the Petition for Writ of Certiorari by Deron L. Barnett.

6. The totally meritless claims of Deron L. Barnett now brought before the United States District Court for the Middle District of Alabama are the same claims considered and dismissed with prejudice in state court and this new Complaint fails to state a claim against Regions Bank upon which relief can be granted as a matter of law.

Respectfully submitted this the 28th day of August, 2006.

/s/Charles B. Paterson

Charles B. Paterson

Bar Number: ASB-1542-R73C

G. Lane Knight

Bar Number: ASB-6748-I72K

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon the following this the 28th day of August, 2006:

None.

In addition, I hereby certify that I have mailed by United States Postal Service a copy of the foregoing document to the following non-CM/ECF participants this the 28th day of August, 2006.

Deron L. Barnett
3937 Piedmont Court
Montgomery, Alabama 36108

Respectfully submitted,

/s/Charles B. Paterson

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